

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

FILED
NOV 12 2015
TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

John Mack Smith

3853523

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 3:15-CV-15039
(Number to be assigned by Court)

Cabell County Sheriff

Dept. for Cabell County Court House.

Officer (McAllister) (Big Mac)

and officer of Western Regional CO Tiger (Transportation)

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____

No X

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: John Mack Smith 3535525

Defendants: Cabell County Sheriff Dept
Deputy (Big Mac) McCallister
and Co. Tigert (Western Ky Jail)

2. Court (if federal court, name the district; if state court, name the county);

Huntington WV

3. Docket Number: ✓

4. Name of judge to whom case was assigned:

✓

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

✓

6. Approximate date of filing lawsuit: ✓

7. Approximate date of disposition: ✓

II. Place of Present Confinement: Western Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes ✓ No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ✓ No

C. If your answer is YES:

1. What steps did you take? when I told them I ^{was} injured

they said its nothing and checked and took
pictures of cuts,

2. What was the result?

Nothing but took photos
of my cut and a XRAY a month later

D. If your answer is NO, explain why not:

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: John Mark Smith

Address: Western Reg Jail

B. Additional Plaintiff(s) and Address(es):

330 7th street

Huntington WV

25705

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant: Cabell Co. Sheriff (McCollister)
 is employed as: Cabell Sheriff Deputy
 at Cabell Co. Courthouse in Paducah
- D. Additional defendants: C.O. Tigert at Western
Regional Jail Barbourville
W.V.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

All on Camera
 while in full hand cuffs belly chain leg cuffs
 about 14 inmates where ready for Transport to
 W.R.T. Cabell Co. Sheriff Deputy (McCollister) grabbed
 a inmate to slap him to remove him from the room
 by (Excessive Force) and by his Excessive Force
 malicious and Sadistic use of said force
 Knock me ^{OUT} into the gate of Steel Bars and into floor
 where officer C.O. (WRT) ^{Tigert} placed his boot on my chest
 as I Blackout hitting my head head on the
 concrete floor and his boot cut my hands and
 arms as the handcuffs cut scars into my
 wrist and cut my fore head Bleeding.

IV. Statement of Claim (continued):

The force used was excessive and malicious.
 Cabell Co Courthouse Video Camera's taped the whole unneed use of Excess of Force which also cause my injuries to occur. Simple removal of the inmate would and easily could of been done, I feel because I was a sex offender and the Deputy Sheriff used his big body to Cause Harm upon me handcuff and maliciously and Sadistically used said force to also cause harm and serious injuries also being injured my back which now made my

V. Relief

The medical staff has refused to XRAY my Back. Pain,
 State briefly exactly what you want the court to do for you. Make no legal arguments.
 Cite no cases or statutes.

Violently assaulted while in full body handcuffs head to toe is simply (not part) of any penalty for a criminal offender to pay for offenses against society. I claim the sum of 999,999.00 dollars for Bodily Harm and undue mental stress and pain and suffering due to Cabell Co Sheriff Deputy (Big Mac) McCallister malicious/sadistic use of force which also harm me as I stood handcuffed and cause not problem innocent. There was no need to also shock me down and I was not the problem.

V. Relief (continued):

ask for the video and
audio of this all was recorded
by 2 or 3 cameras
\$ 999,999.00 is my relief I ask
the court have pay for the
excess of pure boot force,
which I carry life time pain
and suffering unneeded.

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

None

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____

No ☒

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons:

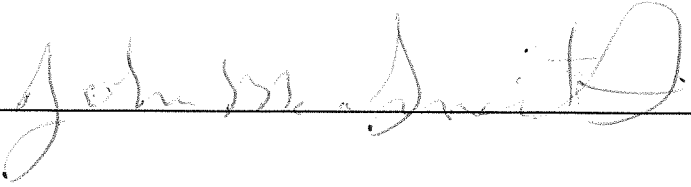
- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____

No ☒

If so, state the lawyer's name and address:

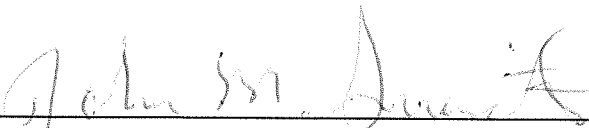
Signed this _____ day of _____, 20____.



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(Date)



Signature of Movant/Plaintiff

Signature of Attorney
(if any)

John Smith 35355525

WESTERN REGIONAL JAIL
ONE OHANLON PLACE
BARBOURSVILLE, WV 25504

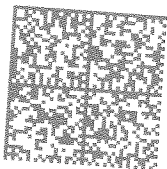
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